

REMARKS

This Response is in reply to the Office Action mailed July 22, 2010. Claims 26, 30, 33, 37 and 41 have been amended. Claims 38 and 45 have been canceled. Thus, claims 26-37 and 39-44 are now pending.

For the convenience of the Examiner, Applicants' remarks concerning the claims will be presented in the same order in which the Examiner presented them in the Office Action.

The Examiner objected to the disclosure because the summary of the invention and the invention of the claims should be commensurate in scope. The summary of the invention has been amended to overcome this rejection.

The Examiner objected to the abstract as having added material which is not supported by the original disclosure. The abstract has been replaced with a new abstract that is supported by the original disclosure.

Claims 26-45 were objected to due to informalities. Claims 26, 30, 33, 37 and 41 have each been amended to overcome these objections.

Claims 26-27 and 30-31 were rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 6,200,195 (hereinafter Furuno) as evidenced by US Patent No. 5,167,672 (hereinafter Farrell).

Furuno teaches a re-usable adhesive silicon pad to cover the nipple. The adhesive silicon pad includes a body with an inner layer that is adapted to contact the nipple and has a thickness of 59-98 mils (column 1, lines 58-59), and an outer layer having a thickness of 8-24 mils (column 1, lines 57-58). The millimeter thicknesses disclosed in Furuno have been converted to mils (1 millimeter = 39.37 mils) for purposes of comparison in this Response. Furuno discloses that these are preferable ranges. However, Furuno does not appear to disclose any other thicknesses for these layers.

Independent claim 26 includes a reusable breast shield with an inner layer having a thickness of 10-20 mils. Furuno's thickness range is well above this claimed range. Since the

claimed range does not overlap with that of Furuno, the rejection is not proper (See MPEP 2131.03).

The Office Action cites to claim 6 (column 4, lines 16-17) of Furuno for supporting that Furuno discloses a thickness within the claimed range of 10-20 mils. The Office Action reasons that because this claim includes that the inner layer is greater than the outer layer, then the inner layer may be any thickness greater than 8 mils. However, this is an incorrect interpretation of Furuno. Claim 6 simply compares the relative thickness of the outer layer to the inner layer. This comparison does not imply that the inner layer thickness may be anything greater than 8 mils. Furuno only discloses that the inner layer thickness is between 59 – 98 mil (column 1, lines 58-59). There is no disclosure for a thickness that overlaps with the claimed range of 10-20 mils. According to MPEP 2121.01, the disclosure in an assertedly anticipating reference must provide an enabling disclosure of the desired subject matter. Furuno does not provide an enabling disclosure for an inner layer having a thickness of 10 to 20 mils. Therefore, Furuno does not anticipate claim 26.

Claims 27, 30 and 31 each depend from independent claim 26 and are not anticipated for at least the same reasons as independent claim 26.

Claims 28, 33-34, 36-42 and 44-45 were rejected under 35 U.S.C. 102(b) as being anticipated by Furuno as evidenced by Farrell, the instant application at page 7, lines 7-8, US Patent No. 5,279,890 to Ikeno and US Patent No. 6,472,581 to Muramatsu.

Dependent claim 28 depends from independent claim 26 and is not anticipated for at least the same reasons as independent claim 26.

Independent claim 33 has been amended to now include that the first layer has a smaller thickness than the second layer. Support for this amendment is found at least in Figure 2 of the present application. Furuno discloses an adhesive silicon pad with a body having a first layer with a thickness of 59-98 mils and a second layer having a thickness of 8-24 mils (column 1, lines 56-60). As seen by the ranges, Furuno discloses that the first layer is thicker than the

second layer. For at least this reason, newly amended claim 33 is patentable over the cited references.

Claims 34-37 and 39 each depend from independent claim 33 and are not anticipated for at least the same reasons as independent claim 33.

Claim 38 has been cancelled and this rejection is now moot.

Independent claim 41 has been amended to now include that the inner layer has a smaller thickness than the outer layer. Furuno discloses that the inner layer includes a larger thickness than the outer layer. For at least this reason, claim 41 is patentable over the cited references.

Dependent claims 42-44 each depend from independent claim 41 and are patentable for at least the same reasons.

Claim 45 has been cancelled and this rejection is now moot.

Claim 32 was rejected under 35 U.S.C. 103(a) as being unpatentable over Furuno.

Claim 32 depends from independent claim 26 and is patentable for at least the same reasons as independent claim 26.

Claims 29, 35 and 43 were rejected under 35 U.S.C. 103(a) as being unpatentable over Furuno as evidenced by Farrell and the instant application at page 7, lines 7-8, Ikeno '890 and Muramatsu '581.

Claim 29 depends from independent claim 26 and is patentable for at least the same reasons as independent claim 26.

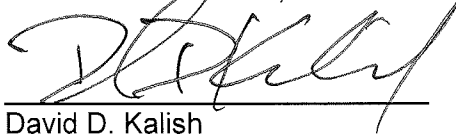
Claim 35 depends from independent claim 33 and is patentable for at least the same reasons as independent claim 33.

Claim 43 depends from independent claim 41 and is patentable for at least the same reasons as independent claim 41.

In view of the above amendments and remarks, the Applicants submit the present application is in condition for allowance, and such action is respectfully requested.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read 'D. Kalish', is written over a horizontal line.

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Dated: October 22, 2010

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